

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

AS.No. 686 of 1999(B)

(AS AGAINST THE DECREE AND JUDGMENT IN O.S. 156/94 DTD. 11/12/1998
ON THE FILE OF SUBORDINATE JUDGE, THALASSERY).

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APPELLANTS/DEFENDANTS 10 TO 15:

1. VAYALIPARATH AYISHA, W/O. KUTTIALI,
UDUMBUMTHALA, MUZHATHADAM, P.O. THANA,
KANNUR -12.
2. VAYALIPRATH MOHAMMEMD, UDUMBUTHALA,
MUZHATHADAM,P.O. THANA, KANNUR -12.
3. VAYALIPRATH SAJIDH, UDUMBUTHALA,
MUZHATHADAM.P.O., THANA, KANNUR -12.
4. VAYALIPRATH SHERSHAD BABU, UDUMBUTHALA,
MUZHATHADAM, P.O. THANA, KANNUR -12.
5. VAYALIPRATH AMINA, UDUMBUTHALA,
MUZHATHADAM, P.O. THANA, KANNUR - 12.
6. VAYALIPRATH SHAHINA, UDUMBUTHALA,
MUZHATHADAM, P.O. THANA, KANNUR -12.

BY ADV. SRI.KAUSER EDAPPAGATH,
ADV. SR. A. MOHAMED MUSTAQUE.

RESPONDENTS/PLAINTIFFS 7 DEFENDANTS:

1. MATHRAKKAL KOYILOTTARA UMMACHUMMA, *(DIED)
W/O. U.N. MUHAMMEDKUNHI, MATHRAKKAL HOUSE,
CHAVASSERY AMSOM, ULIYIL DESOM, P.O. ULIYIL,
THALASSERY TALUK.

A.S. NO. 686/1999:

- **2. M.K. ABDUL RAHIMAN, S/O. MUHAMMED KUNHI,
MATHRAKKAL HOUSE, CHAVASSERY AMSOM,
P.O. ULİYIL, THALASSERY TALUK.**
- 3. T.T.P. KUNHAMU, S/O. MUHAMMED KUNHI,
PUTHIA PURA HOUSE, GOODS SHED ROAD,
THALASSERY, THALASSERY TALUK.**
- 4. V.P.P. ABDULLA, S/O. MUHAMMED KUNHI,
RAFAZ, NEAR PAYYANNUR BUS STATION,
PAYYANNUR.**
- 5. T.T.P. ABOO, S/O. MUHAMMED KUNHI, *(DIED)
RIVER VIEW, NEAR OLAVARA BRIDGE,
UDUMBUMTHALA, P.O. PAYYANNUR,
KASARAGOD DISTRICT.**
- 6. T.T.P. MOIDU, S/O. MUHAMMED KUNHI,
HOUSE NO. 12, SUBHASH HOUSING COLONY,
KAKKAD, KANNUR, KANNUR TALUK.**
- 7. T.T.P. BEEFATHUMMA, D/O. MUHAMMED KUNHI, *(DIED)
UDUMBUMTHALA HOUSE, TOWN HALL ROAD,
THALASSERY -4.**
- 8. T.T.P. KUNHAYISSU, W/O. T.P.C. MAYANALI,
T.C. NO. 14/476, THAYKAD,
THIRUVANANTHAPURAM - 14.**
- 9. T.T.P. SAINABEE, W/O. K.M. MOHAMMED KUTTY,
CHALIYAM HOUSE, CHARUVANNUR,
P.O. FEROKK, KOZHIKODE DISTRICT.**
- 10. T.T.P. ASMABEE, D/O. MUHAMMED KUNHI,
UDUMBUMTHALA HOUSE, THALASSERY -4.**
- 11. T.T.P. KHALEEL MOHAMMED, S/O. BEEFATHIMA,
UDUMBUMTHALA HOUSE,
THIRUVANGAD AMSOM, THALASSERY.**
- 12. T.T.P. AJMAL RAHIM S/O. NABEESUMMA,
UDUMBUMTHALA HOUSE, THIRUVANGAD AMSOM AND
DESOM, THALASSERY TALUK.**
- 13. T.T.P. ABDUL NAZAR, S/O. ASMABI,
UDUMBUMTHALA HOUSE, THIRUVANGAD AMSOM AND DESOM,
THALASSERY TALUK.**
- 14. T.T.P. ASHRAF, S/O. LATE ABDULLA KEYI,
UDUMBUMTHALA HOUSE, THIRUVANGAD AMSOM DESOM,
THALASSERY TALUK.**

AS. NO. 686/1999:

15. T.T.P. HASEEM, S/O. ABDULLA KEYI,
UDUMBUMTHALA HOUSE, THIRUVANGAD AMSOM DESOM,
THALASSERY TALUK.
16. T.T.P. AMINA, D/O. ABDULLA KEYI,
UDUMBAMTHALA HOUSE, THIRUVANGAD AMSOM DESOM,
TELLICHERRY TALUK.
17. T.T.P. SUMEERA, D/O. ABDULLA KEYI,
UDUMBAMTHALA HOUSE, THIRUVANGAD AMSOM DESOM,
TELLICHERRY.

***ADDL. 18 TO 21 IMPLEADED:**

- *18. V.P. KUNJAMINA, W/O. T.T.P. ABDULLA,
AGED 60 YEARS, RIVER VIEW, NEAR ULAMARA BRIDGE,
UDUMBUMTHALA, P.O. PAYYANNUR, KASARAGOD DIST.
- *19. V.P. FATHIMA, D/O. T.T.P. ABDULLA,
AGED 43 YEARS, -DO- -DO-.
- *20. V.P. BASHEER, S/O. T.T.P. ABDULLA,
AGED 41 YEARS, -DO- -DO-.
- *21. V.P. SALEENA, D/O. T.T.P. ABDULLA,
AGED 39 YEARS, -DO- -DO-.

***RESPONDENTS 18 TO 21 ARE IMPLEADED AS THE LR'S OF THE
DECEASED 5TH RESPONDENT AS PER ORDER IN C.M.P. NO. 6712/2002
DTD. 21/10/2003.**

****IT IS RECORDED THAT THE 1ST RESPONDENT DIED AND 2ND
RESPONDENT IS THE LEGAL HEIR OF THE DECEASED 1ST RESPONDENT
AS PER THE ORDER DTD. 20/12/2005 IN MEMO 14422/2005.**

- ***22. MRS. T.T.P. MUMTAZ, ARC VIEW,
BEHIND GANAPTH SCHOOL,
CHALAPPURAM,
CALICUT -3.

A.S. NO. 686/1999:

*****23. T.T.P. SHEMEEMA,
W/O. DR. KUTTIALI, CHUNGAM,
THAMARASSERY.**

*****THE 7TH RESPONDENT DIED AND ADDITIONAL RESPONDENTS 22,
23 AND 11TH RESPONDENTS IN THE APPEAL ARE IMPEADED AS THE
LEGAL HEIRS OF THE DECEASED 7TH RESPONDENT AS PER THE ORDER
IN I.A. 2295/2005 DTD. 20/12/2005.**

**BY ADV. SRI.V.RAJAGOPAL,
SRI. M.A. MANHU,
SRI. C.K. SREEJITH,
SRI. C. KRISHNAN.**

**THIS APPEAL SUITS HAVING BEEN FINALLY HEARD
ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

KURIAN JOSEPH & K.T. SANKARAN, JJ.

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A.S. No. 686 OF 1999
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Dated this the 9th April, 2007

J U D G M E N T

Kurian Joseph, J:

Appeal is disposed of in terms of compromise as stated in I.A. No. 1357 of 2007. I.A.No. 1357 of 2007 will form part of the decree.

**KURIAN JOSEPH,
JUDGE.**

**K.T. SANKARAN,
JUDGE.**

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**KURIAN JOSEPH &
K.T. SANKARAN, JJ.**

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A.S.. No. 686 OF 1999

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Dated this the 9th April, 2007

J U D G M E N T